

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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THE UNITED STATES OF AMERICA, THE STATE OF CALIFORNIA, THE STATE OF COLORADO, THE STATE OF CONNECTICUT, THE STATE OF DELAWARE, THE STATE OF FLORIDA, THE STATE OF GEORGIA, THE STATE OF HAWAII, THE STATE OF ILLINOIS, THE STATE OF INDIANA, THE STATE OF IOWA, THE STATE OF LOUISIANA, THE STATE OF MARYLAND, THE COMMONWEALTH OF MASSACHUSETTS, THE STATE OF MICHIGAN, THE STATE OF MINNESOTA, THE STATE OF MONTANA, THE STATE OF NEVADA, THE STATE OF NEW JERSEY, THE STATE OF NEW MEXICO, THE STATE OF NEW YORK, THE STATE OF NORTH CAROLINA, THE STATE OF OKLAHOMA, THE STATE OF RHODE ISLAND, THE STATE OF TENNESSEE, THE STATE OF TEXAS, THE STATE OF VERMONT, THE COMMONWEALTH OF VIRGINIA, THE STATE OF WASHINGTON, THE STATE OF WISCONSIN, AND THE DISTRICT OF COLUMBIA, *ex rel.* URI BASSAN,

Plaintiffs,

v.

OMNICARE, INC.,

Defendant.

15 Civ. 4179 (CM)

~~UNDER SEAL~~

LEAVING ORDER
LIFTED 12/12/2019

NOTICE OF DECISION TO DECLINE INTERVENTION

The States of California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, and Wisconsin (collectively the "Plaintiff States") hereby respectfully notify the Court of their decision not to intervene in the above-referenced *qui tam* action.

Although the Plaintiff States decline to intervene in this action, pursuant to their respective False Claims Act or analogous state laws the Plaintiff States: (1) reserve their right to intervene at a later date upon a showing of good cause, *see, e.g.*, N.Y. Fin. L. § 190(5)(a); (2) request that all pleadings filed in this action be served upon counsel for the Plaintiff States, *see, e.g., id.* § 190(2)(f); (3) request that the Court direct the relator's counsel to serve upon the Plaintiff States any orders issued by the Court, *see, e.g., id.*; (4) reserve their right to order any deposition transcripts in this action; and (5) request that if the relator or the defendant proposes that any claims be dismissed, settled, or otherwise discontinued, the Court require that such litigant(s) solicit the written consent of the Plaintiff States before applying to the Court for such relief, *see, e.g.*, N.Y. Fin. L. § 190(5)(a).


With respect to Maryland, the Maryland False Health Claims Act provides that, if Maryland “does not elect to intervene and proceed with the action...before unsealing the complaint, the court shall dismiss the action.” Md. Code Ann., Health Gen. § 2-604(a)(7). Accordingly, Maryland requests that all claims asserted on behalf of Maryland be dismissed without prejudice.

With this Notice, the Plaintiff States are filing a proposed order providing for this relief.

Dated: December 11, 2019
New York, New York

Respectfully submitted,

LETITIA JAMES
Attorney General of the State of New York

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